

AMENDMENTS

Claims 1-5 and 7 are pending.

Claims 6 and 8 have been cancelled.

Support for the amendments is found in the claims and specification (pages 2-3, page 10, ln. 21 (compounds), and claims 3 and 6), as originally filed.

No new matter is believed to have been added.

REMARKS/ARGUMENTS

The present inventors have found that a hair detergent composition comprising an anionic surfactant, a specific glyceryl ether, and a silicone compound having a side chain containing both a hydroxy group and a nitrogen atom, provides rich foaming upon shampooing and gives an excellent conditioning effect to the hair (page 2 of the present specification).

Claims 1-8 are rejected under 35 U.S.C. 103(a) over Kasuga et al., EP 1013754 and Global Cosmetic Industry (May 1, 2002). The rejection is traverse because Kasuga et al. do not suggest selecting the claimed components, the claimed hair detergent provides an unexpected result, and one would not have combined the cited references with a reasonable expectation of providing rich foaming upon shampooing and an excellent conditioning effect to the hair.

Kasuga et al. describe a hair detergent comprising (A) 0.5-60 wt.% of anionic surfactants, (B) 0.01-20 wt.% of a conditioning component (e.g., amino-modified silicones), and (C) 0.1-30 wt.% of monoglyceryl ether having a linear or branched alkyl or alkenyl group having 4-12 carbon atoms (paragraphs [0001], [0006], [0018], [0033], and [0037]).

Kasuga et al. do not describe selecting a hair detergent comprising the claimed silicone compounds (from a large number of existing amino-modified silicone compounds) and, specifically, the elected 8500 conditioning agent (Dow Corning), combined with the

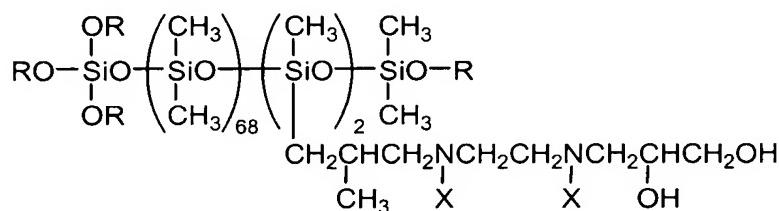
claimed anionic surfactant (component (a)) and component (b). Kasuga et al. describe selecting different silicones, i.e., demethyl polysiloxane KP-96 and aqueous emulsions BY-22 (see Table in the Examples), SM 8704 or DC 929 (page 3, lines 52-55).

The claimed hair detergent comprising the 8500 conditioning agent provides an unexpectedly rich foaming upon shampooing and gives an excellent conditioning effect to the hair. Table 1 of Example 1 of the present specification (reproduced below) shows that when KT 1989 amino-silicon (which is not within the claimed silicones) is used, the hair detergent has inferior foaming performance, softness, and smoothness of the dry and wet hair.

Table 1

Composition (wt.%)		Example s	Comparative Examples		
			1	1	2
(a)	Sodium polyoxyethylene (2) lauryl ether sulfate	10.0	10.0	10.0	10.0
(b)	2-Ethylhexyl glyceryl ether	2.0	2.0	-	2.0
(c)	Silicone derivative *	0.5	-	0.5	-
Others	Amino-modified silicone ("KT1989", product of GE Toshiba Silicones)	-	-	-	0.5
	Cocamidopropyl betaine	3.0	3.0	3.0	3.0
	Cocamide MEA	-	-	2.0	-
	Ethylene glycol distearyl ester	1.0	1.0	1.0	1.0
	Cationized cellulose ("UCare Polymer JR-400", product of Amerchol)	0.5	0.5	0.5	0.5
	Sodium chloride	0.5	0.5	0.5	0.5
	Perfume	Trace	Trace	Trace	Trace
	Citric acid	q.s.	q.s.	q.s.	q.s.
	Purified water	Balance	Balance	Balance	Balance
Evaluation	pH (after diluted to 20 times the weight)	6.0	6.0	6.0	6.0
	Foaming performance	A	A	C	B
	Softness of hair during foaming	A	C	B	B
	Smoothness of hair during rinsing	A	C	B	D
	Smoothness of hair after drying	A	C	B	C

*silicone derivative:



R: C₁₃H₂₇ to C₁₅H₃₁

X: 75% of -CH₂CH(OH)CH₂OH and 25% of hydrogen atom

In addition, Examples 2 and 3 on pages 16-18 of the present specification show that the claimed detergent provides superior foaming and conditioning performance.

Moreover, one would not have reasonably expected that substituting the 8500 conditioning agent into the composition of the Kasuga et al., suggesting using different silicone compounds, would have provided rich foaming upon shampooing and an excellent conditioning effect to the hair without actually conducting experiments because Kasuga et al. uses different silicones to achieve the goal of good foaming and conditioning, and chemical arts are unpredictable. In a recent decision, the Court stated that “[t]o the extend an art is unpredictable, as the chemical arts often are, KSR’s focus on these “identified, predictable solutions” may present a difficult hurdle because potential solutions are less likely to be genuinely predictable.” *Eisai Co, Ltd. v. Dr. Reddy’s Lab.*, 533 F.3d. 1353 (Fed. Cir. July 21, 2008).

Thus, for the reasons set forth above, the combination of Kasuga et al. and The Global Cosmetic Industry publication does not make the claimed hair detergent obvious.

Applicants request that the rejection be withdrawn.

In response to the rejected under 35 U.S.C. 112, first paragraph, for lack of written description, and 112, second paragraph, the claims have been amended to delete the term “derivatives”. It is believed that the claims are clear, fully described in the originally filed specification and claims, and do not introduce new matter.

Applicants request that the rejections be withdrawn.

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A Notice of Allowance for all pending claims is requested.

Respectfully submitted,

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